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ROBERT P. MECKES and
8 DARLENE JANICE MECKES

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 G & G CLOSED CIRCUIT EVENTS, LLC,

14 Plaintiff,

15 v.

16 ROBERT P. MECKES and DARLENE JANICE
17 MECKES, individually and dba SPORTS BAR &
STEAKHOUSE,

18 Defendants.
19

CASE NO. CV10-05124 EDL

ANSWER TO COMPLAINT

DEMAND FOR JURY TRIAL

20 COME NOW Defendants ROBERT P. MECKES and DARLENE JANICE MECKES,
21 individually and dba SPORTS BAR & STEAKHOUSE (hereinafter "DEFENDANTS"), to
22 herewith answer the Complaint:

23 1. Answering Paragraph 1 of Plaintiff's Complaint, DEFENDANTS are without
24 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
25 said paragraph, and, on that basis, deny the allegations contained therein.

26 2. Answering Paragraph 2 of Plaintiff's Complaint, DEFENDANTS are without
27 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
28 said paragraph, and, on that basis, deny the allegations contained therein.

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1 3. Answering Paragraph 3 of Plaintiff's Complaint, DEFENDANTS are without
2 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
3 said paragraph, and, on that basis, deny the allegations contained therein.

4 4. Answering Paragraph 4 of Plaintiff's Complaint, DEFENDANTS are without
5 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
6 said paragraph, and, on that basis, deny the allegations contained therein.

7 5. Answering Paragraph 5 of Plaintiff's Complaint, DEFENDANTS deny the
8 allegations contained therein.

9 6. Answering Paragraph 6 of Plaintiff's Complaint, DEFENDANTS are without
10 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
11 said paragraph, and, on that basis, deny the allegations contained therein.

12 7. Answering Paragraph 7 of Plaintiff's Complaint, DEFENDANTS admit that
13 "Sports Bar & Steakhouse" is located at 2477 Discovery Bay Boulevard, Discovery Bay,
14 California 94514. Other than as expressly admitted, DEFENDANTS are without sufficient
15 knowledge or information to form a belief as to the truth of the allegations contained in said
16 paragraph, and, on that basis, deny the allegations contained therein.

17 8. Answering Paragraph 8 of Plaintiff's Complaint, DEFENDANTS admit that
18 "Sports Bar & Steakhouse" is located at 2477 Discovery Bay Boulevard, Discovery Bay,
19 California 94514. Other than as expressly admitted, DEFENDANTS are without sufficient
20 knowledge or information to form a belief as to the truth of the allegations contained in said
21 paragraph, and, on that basis, deny the allegations contained therein.

22 COUNT I

23 9. Answering Paragraph 9 of Plaintiff's Complaint, DEFENDANTS are without
24 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
25 said paragraph, and, on that basis, deny the allegations contained therein.

26 10. Answering Paragraph 10 of Plaintiff's Complaint, DEFENDANTS are without
27 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
28 said paragraph, and, on that basis, deny the allegations contained therein.

20. Answering Paragraph 20 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

21. Answering Paragraph 21 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

22. Answering Paragraph 22 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

23. Answering Paragraph 23 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

COUNT III

24. Answering Paragraph 24 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

25. Answering Paragraph 25 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

26. Answering Paragraph 26 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

27. Answering Paragraph 27 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and, on that basis, deny the allegations contained therein.

COUNT IV

28. Answering Paragraph 28 of Plaintiff's Complaint, DEFENDANTS are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in

1 said paragraph, and, on that basis, deny the allegations contained therein.

2 29. Answering Paragraph 29 of Plaintiff's Complaint, DEFENDANTS are without
3 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
4 said paragraph, and, on that basis, deny the allegations contained therein.

5 30. Answering Paragraph 30 of Plaintiff's Complaint, DEFENDANTS are without
6 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
7 said paragraph, and, on that basis, deny the allegations contained therein.

8 31. Answering Paragraph 31 of Plaintiff's Complaint, DEFENDANTS are without
9 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
10 said paragraph, and, on that basis, deny the allegations contained therein.

11 32. Answering Paragraph 32 of Plaintiff's Complaint, DEFENDANTS are without
12 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
13 said paragraph, and, on that basis, deny the allegations contained therein.

14 33. Answering Paragraph 33 of Plaintiff's Complaint, DEFENDANTS are without
15 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
16 said paragraph, and, on that basis, deny the allegations contained therein.

17 34. Answering Paragraph 34 of Plaintiff's Complaint, DEFENDANTS are without
18 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
19 said paragraph, and, on that basis, deny the allegations contained therein.

20 35. Answering Paragraph 35 of Plaintiff's Complaint, DEFENDANTS are without
21 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
22 said paragraph, and, on that basis, deny the allegations contained therein.

23 36. Answering Paragraph 36 of Plaintiff's Complaint, DEFENDANTS are without
24 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
25 said paragraph, and, on that basis, deny the allegations contained therein.

26 37. Answering Paragraph 37 of Plaintiff's Complaint, DEFENDANTS are without
27 sufficient knowledge or information to form a belief as to the truth of the allegations contained in
28 said paragraph, and, on that basis, deny the allegations contained therein.

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AFFIRMATIVE DEFENSES

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2 1. As for a first, separate and distinct affirmative defense to the Complaint, and each
3 and every count therein, DEFENDANTS allege that Plaintiff's Complaint fails to state facts
4 sufficient to constitute a claim.

5 2. As for a second, separate and distinct affirmative defense to the Complaint, and each
6 and every count therein, DEFENDANTS allege that DEFENDANTS' conduct was not the cause
7 in fact, or the proximate cause, of any of the injury and damages alleged by Plaintiff.

8 3. As for a third, separate and distinct affirmative defense to the Complaint, and each
9 and every count therein, DEFENDANTS allege that said DEFENDANTS acted at all times
10 within the scope of discretion, in good faith, with due care, and pursuant to applicable rules,
11 regulations and practices reasonably and in good faith belief to be in accordance with the laws of
12 the United States, and these DEFENDANTS, therefore, are not liable.

13 4. As for a fourth, separate and distinct affirmative defense to the Complaint, and each
14 and every count therein, the purported copyrights of Plaintiff are unenforceable because the
15 subject matter was in the public domain.

16 5. As for a fifth, separate and distinct affirmative defense to the Complaint, and each
17 and every count therein, DEFENDANTS allege that Plaintiff lacks standing to bring suit under
18 the counts alleged in the Complaint.

19 6. As for a sixth, separate and distinct affirmative defense to the Complaint, and each
20 and every count therein, DEFENDANTS allege that Plaintiff was not damaged by the purported
21 acts of DEFENDANTS alleged in the Complaint.

22 7. As for a seventh, separate and distinct affirmative defense to the Complaint, and
23 each and every count therein, DEFENDANTS allege that the purported acts of DEFENDANTS
24 alleged in the Complaint, if they were committed by DEFENDANTS at all, were not done
25 willfully.

26 8. As for an eighth, separate and distinct affirmative defense to the Complaint, and
27 each and every count therein, DEFENDANTS allege that each of the counts set forth in the
28 Complaint is barred by the applicable statute of limitations.

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ANSWER TO COMPLAINT
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1 9. As for a ninth, separate and distinct affirmative defense to the Complaint, and each
2 and every count therein, DEFENDANTS allege that each and every claim is barred in whole or in
3 part by the privilege of fair use.

4 10. As for a tenth, separate and distinct affirmative defense to the Complaint, and each
5 and every count therein, DEFENDANTS allege that DEFENDANTS had a license to use every
6 work claimed to be owned or assigned to Plaintiff.

7 11. As for an eleventh, separate and distinct affirmative defense to the Complaint, and
8 each and every count therein, DEFENDANTS allege that DEFENDANTS' conduct was not the
9 cause in fact, or the proximate cause of any of the losses alleged by Plaintiff.

10 DEFENDANTS have not completed their investigation of the allegations of the Plaintiff
11 in the Complaint, and specifically reserve the right to amend their Answer and present additional
12 affirmative defenses as necessary.

13 WHEREFORE, these answering DEFENDANTS pray for judgment as follows:

- 14 1. That Plaintiff's request for damages is denied;
15 2. That Plaintiff's request for injunctive relief is denied;
16 3. For reasonable attorney's fees and costs of suit incurred therein; and
17 4. For such other and further relief as the Court deems proper.

18 Dated: January 18, 2011

TINGLEY PIONTKOWSKI LLP

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20 By: /s/ Bruce Piontkowski

21 BRUCE C. PIONTKOWSKI
22 Attorneys for Defendants
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DEMAND FOR JURY TRIAL

DEFENDANTS hereby demand a jury trial as provided by Rule 38(a) of the Federal Rules of Court.

Dated: January 18, 2011

TINGLEY PIONTKOWSKI LLP

By: /s/ Bruce Piontkowski

BRUCE C. PIONTKOWSKI
Attorneys for Defendants